

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF DELAWARE

JOSEPH A. COCHRAN, JR.,
Plaintiff,

C.A. No. 1:06 cv 00697

v.

J.B. HUNT TRANSPORT, INC.
and JAMES W. REED,
Defendants.

DEFENDANTS' MOTION TO COMPEL DISCOVERY RESPONSES

Pursuant to Federal Rule of Civil Procedure 37, defendants, J.B. Hunt Transport, Inc. and James W. Reed, hereby move this Honorable Court for an Order compelling plaintiff, Joseph A. Cochran, Jr., to respond to defendants' Interrogatories and Requests for Production of Documents, and in support of their motion aver as follows:

1. On May 4, 2007, defendants served plaintiff with Interrogatories and Requests for Production of Documents in connection with the above-captioned case. A true and correct copy of the May 4, 2007 transmittal letter is attached hereto as Exhibit "A."
2. Plaintiff failed to answer defendants' discovery requests within the time period prescribed the Rules of Civil Procedure.
3. Counsel for defendants certifies that she has made a good faith attempt to secure the discovery without court action. In July counsel spoke and the discovery responses were promised to be sent shortly. On September 27, 2007 a letter reminding plaintiff's counsel of the overdue discovery was sent. A true and correct copy of the transmittal letter is attached hereto as Exhibit "B."
4. To date, plaintiff has failed to answer defendants' Interrogatories and Requests for Production of Documents.

5. In contemplation of receiving the discovery responses, the deposition of the plaintiff was sent on September 17, 2007. Plaintiff's deposition is scheduled for October 31, 2007.

6. The time period under the Rules for Civil Procedure to respond to discovery has lapsed.

7. Plaintiff did not file a Motion for Protective Order.

8. Defendants are prejudiced by plaintiff's failure to provide discovery responses

9. The discovery deadline is set to end on December 12, 2007.

WHEREFORE, defendants, J.B. Hunt Transport, Inc. and James W. Reed, respectfully request that this Honorable Court enter the attached Order granting this Motion to Compel.

RAWLE & HENDERSON LLP

By: /s/ Delia A. Clark
Delia A. Clark
Attorneys for Defendants,
J.B. Hunt Transport, Inc. and
James W. Reed

Dated: October 24, 2007

CERTIFICATE OF SERVICE

It is hereby certified that a true and correct copy of the within-captioned DEFENDANTS' J.B. HUNT TRANSPORT, INC. AND JAMES W. REED, MOTION TO COMPEL DISCOVERY RESPONSES was served via first-class mail, postage prepaid, on the below listed individuals on this 24th day of October 2007:

Timothy E. Lengkeek
YOUNG, CONAWAY, STARGATT & TAYLOR
1000 West Street, 17th Floor
PO Box 391
Wilmington, DE 19899-0391

RAWLE & HENDERSON LLP

By: /s/ Delia A. Clark
Delia A. Clark
Attorneys for Defendant,
J.B. Hunt Transport, Inc.
And James W. Reed

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RAWLE & HENDERSON LLP

By: /s/ Delia A. Clark
Delia A. Clark
Attorneys for Defendants,
J.B. Hunt Transport, Inc. and
James W. Reed

Dated: October 24, 2007

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Timothy E. Lengkeek
YOUNG, CONAWAY, STARGATT & TAYLOR
1000 West Street, 17th Floor
PO Box 391
Wilmington, DE 19899-0391

RAWLE & HENDERSON LLP

By: /s/ Delia A. Clark
Delia A. Clark
Attorneys for Defendant,
J.B. Hunt Transport, Inc.
And James W. Reed

EXHIBIT “A”

discovery



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May 4, 2007

Timothy E. Lengkeek, Esquire
Young, Conaway, Stargatt and Taylor
1000 West Street, 17th Floor
PO Box 391
Wilmington, DE 19899-0391

Re: Cochran v. J.B. Hunt Transport, Inc., et al.
D/L: 10/30/04
Your Claim No.: A0406685
Our File No.: 301204

Dear Mr. Lengkeek:

Enclosed are Interrogatories and Requests for Production of Documents Directed to Plaintiff Joseph Cochran in the above captioned matter. Kindly respond within the time permitted by the Federal Rules of Civil Procedure.

Thank you for your cooperation in this matter.

Very truly yours,

RAWLE & HENDERSON LLP

By: *S. M. Boyd*
Santae M. Boyd
Paralegal to Delia A. Clark

SMB\
Enclosures

EXHIBIT “B”

RAWLE & HENDERSON LLP



DELIA A. CLARK
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September 27, 2007

Timothy E. Lengkeek, Esquire
Young Conaway Stargatt & Taylor, LLP
The Brandywine Building, 17th Floor
1000 West Street
P.O. Box 391
Wilmington, DE 19899-0391

RE: **Joseph A. Cochran, Jr. v. J.B. Hunt Transport and James W. Reed**
Civil Action No. 06-C-08106 MJB
Our File No.: 301204

Dear Tim:

We enclose an original and one copy of Defendant's Answers to Interrogatories and the Responses to the Request for Production. In addition, we enclose the Confidentiality Agreement. Given the facts of this accident, it seems overkill to request the manual, but it is your call. Thank you for the extension to respond.

Plaintiff's discovery responses are long overdue. Kindly advise when we can expect the responses.

Thank you for your time and attention.

Very truly yours,

RAWLE & HENDERSON LLP

By:

Delia A. Clark

DAC/dac

Enclosures

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FOR THE DISTRICT OF DELAWARE

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ORDER

At Wilmington, this day of , 2007, upon
consideration of Defendants' Motion to Compel Discovery Responses, and any response thereto,
it is hereby ORDERED that Defendants' motion is GRANTED and that Plaintiff shall serve full
and complete responses to Defendants' Interrogatories and Requests for Production of
Documents, without objection, within ten (10) days of the date of this Order.

UNITED STATES DISTRICT JUDGE